IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

WRIT REVIEW No. 31 of 2003

M/S JOHRI FORTS & PALACES PVT. LTD.
V/S
MAHARAJA NARENDRA SINGH

Mr. JK MISHRA, for the appellant / petitioner

Mr. BK VYAS & Mr. MANISH SHISHODIA, for the respondent

Date of Order : 5.11.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Mr. Mishra appears for the petitioner, and he submits that he has no instruction in the matter, and he does not have the file also with him.

I have gone through the order sought to be reviewed being dt. 27.3.2001, whereby the order dt. 7.1.2000 Annexure-5, which was sought to be challenged has not been interferred with.

It is informed that against this order an S.L.P. was filed before Hon'ble the Supreme Court, which was decided on 3.9.2001, wherein it was contended before Hon'ble the Supreme Court, that the Arbitral Tribunal is not functional, and therefore, the view taken by the High

Court for awaiting the decision of Arbitral Tribunal, on the existence and veracity of arbitration agreement, is not workable. Hon'ble the Supreme Court found, that such a plea was not advanced before the High Court, and therefore, that special leave petition was withdrawn for filing review petition before this Court, and that is how the review petition has been filed.

Mr. Shishodia informs, that other two arbitrators have not resigned so far, and Arbitral Tribunal is very much functioning. Learned counsel for the petitioner has not been able to point out, as to how the Arbitral Tribunal is not functioning. May be that the parties are not allowing the Arbitral Tribunal to function for one reason, or the other but then the petitioner has not been able to show that the Arbitral Tribunal is not functional.

In that view of the matter, I do not find any ground to review the order dt. 27.3.2001.

The review petition is, therefore, dismissed.

(N P GUPTA),J.

/Sushil/